

Title 14 Natural Resources
Division 7 California Integrated Waste Management Board (CalRecycle)
Chapter 8.2 Electronic Waste Recovery and Recycling

SELECTED SECTIONS AFFECTED BY PROPOSED CHANGES ONLY

For reference, this document shows proposed regulatory revisions via underline and ~~striketrough~~ in the following sections of Title 14 of the California Code of Regulations:

- 18660.5(a)(46)&(47) -- Definitions
- 18660.6(h)&(j) -- Applicability and Limitations
- 18660.21(l)(4) -- Requirements for an Approved Recycler
- 18660.22(a) and (c) -- General Requirements for Recycling Payment Claims
- 18660.23(e) and (g) -- Additional Requirements for Recycling Payment Claims to Demonstrate Cancellation of CRTs or CRT-Containing CEWs through Crushing or Shredding
- 18660.24 (e) and (g) -- Additional Requirements for Recycling Payment Claims to Demonstrate Cancellation of CRTs or CRT-Containing CEWs through Dismantling to a Bare CRT After Relieving the Vacuum

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Article 1. General
§ 18660.5. Definitions.

(a) For the purposes of this Chapter, the following shall apply:

(46) “Treatment residuals” means any material resulting from the dismantling or treatment of a CEW. Treatment residuals are not considered CEWs and are not eligible for payment, however the costs and/or revenues associated with managing treatment residuals shall be factored into the net cost of recycling CEW. ~~In some cases, t~~ Treatment residuals may be used to demonstrate the prior processing of CEWs, and bills of lading for documentation demonstrating the subsequent movement and/or ultimate disposition of the material ~~treatment residuals~~ may be required as part of the claim for payment submitted by an approved recycler.

(47) “Ultimate disposition” means, for the purposes of this Chapter, the consumption of a treatment residual into a manufacturing process or the disposal of a treatment residual at a permitted disposal facility. Storage of a treatment residual at a site of generation or at an intermediate facility, or accumulation of a treatment residual at a location prior to consuming or disposing, is not ultimate disposition.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.

Reference: Sections 42463, 42465.2, 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Article 2.0. Electronic Waste Payment System – Applicability and Limitations, Document Submittals, records, Audits and Net Cost Report

§ 18660.6. Applicability and Limitations.

- (h) Limitations on ~~recycling payments on exported CEWs and the disposition of treatment residuals:~~
- ~~(1) CalRecycle shall not approve recyclers located outside the State. CEWs sent to and cancelled by unapproved recyclers are not eligible for payments pursuant to this Chapter regardless of the location of the unapproved recycler.~~
 - ~~(2) If treatment residuals are disposed to land, water or air, then a recycler shall not be eligible for recycling payments for the original CEWs unless the treatment residual is not economically feasible to recycle and/or cannot be recycled because it would pose a hazard to public health, safety or the environment.~~
 - (1) Approved recyclers are not eligible for CEW recycling payments if treatment residuals are managed in a manner noncompliant or nonconforming with applicable law.
 - (2) Treatment residuals shall be managed for recycling to the extent economically feasible.
 - (A) Economic feasibility shall be determined by an approved recycler based on current market conditions for legal management options.
 - (B) CalRecycle may demand demonstration of economic infeasibility.
 - (3) Approved recyclers that ship treatment residual CRTs or CRT glass for the purposes of recycling shall be capable of demonstrating to CalRecycle or its designee upon demand that the material has reached an ultimate disposition within one year of the initial shipment.
 - (4) If treatment residuals are disposed, an approved recycler shall ensure that the disposal is compliant with all applicable laws and conforms to any conditions of authorization or approval under which the approved recycler managed the CEW from which the treatment residuals were derived.
 - (5) CalRecycle may demand demonstration of compliance and/or conformance with all laws associated with treatment residual disposition.

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- (j) Limitations on recycling payments on exported CEWs:
- (1) CalRecycle shall not approve recyclers located outside the state of California.
 - (2) CEWs sent to and cancelled by unapproved recyclers are not eligible for recycling payments pursuant to this Chapter regardless of the location of the unapproved recycler.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.

Reference: Sections 42472(b), 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

§ 18660.21. Requirements for an Approved Recycler.

- (l) In addition to the general record keeping requirements in Section 18660.8 of this Chapter, an approved recycler shall maintain the following records:
- (1) A receiving log containing a brief written description of CEW transfers by load from approved collectors, the number and weight of CEWs transferred, and the dates the transfers from collectors occurred.
 - (2) Records of CEW transfers, including all documentation received from an approved collector as specified in Section 18660.20(h), and recovery payments made and/or owed to approved

collectors, including signed and dated receipts showing the number and weight of CEWs transferred.

(A) The approved recycler shall identify and record each approved collector using the name and identification number from the collector's "proof of approval."

(B) The approved recycler shall record separately the sum of estimated weights of source-anonymous CEWs reported by and transferred from an approved collector.

(3) A processing log showing the definitive cancellation of CEWs by weight, date and cancellation method, as specified in Section 18660.32 of this Chapter, upon which a payment claim is based.

~~(4) Records for all bills of lading for treatment residuals including the following information:~~

(4) Applicable records for all shipments of treatment residuals, including but not limited to weight certificates, packing lists, bills of lading, manifests, destination receipts, invoices, and payments. Applicable records shall be maintained pursuant to Section 18660.8 of this Chapter and be capable of demonstrating the following information:

(A) Date of shipment.

(B) Quantity and material type in shipment.

(C) The full name and address of shipping service.

(D) The full name and address of the buyer or other transferee, and destination name and address if different.

(E) Identification and description of the ultimate disposition of the treatment residuals.

(5) Records on the net costs associated with the disposition of all CEWs handled, the net costs of accepting the transfer of CEWs, the net costs of each cancellation method used, and any additional administrative costs of providing recovery payments to approved collectors.

(6) Complete records of all claims, attachments and supporting documentation for all recycling payment claims made to CalRecycle.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.

Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Article 2.3. Electronic Waste Payment System – Recycling Payment Claims

§ 18660.22. General Requirements for Recycling Payment Claims.

(a) An approved recycler shall submit all of the following general information in a claim for recycling payments from CalRecycle:

(1) The full name, mailing address, and federal tax identification number of the recycler preparing the report.

(2) The name and phone number of a contact person for purposes of the report.

(3) The reporting month (calendar month and year) and date of preparation of the report.

(4) The claim activity period, listing the start and end dates.

(5) The total weight of CEW claimed, as calculated in Sections 18660.23, 18660.24, and 18660.25 of this Chapter.

(6) The total monetary amount being claimed.

(7) The signature and title of a person with signature authority for payment claims as designated pursuant to Section 18660.11 of this Chapter. The signature block shall include the following certification statements:

(A) "I hereby declare under penalty of perjury that:"

1. "The approved recycler whom I represent is currently in compliance with all Federal, State and local requirements, including compliance with the requirements of the Act and this Chapter."

2. "All claimed CEWs have been cancelled as specified in Section 18660.32 and are unable to re-enter the payment system, and all treatment residuals specified in Section 18660.22(c) derived from the claimed CEWs have been shipped off-site to an end-use destination authorized to receive and further treat or legally dispose of those treatment residuals."
 3. "I have certified the weights and verified the calculations, including the adjustments for CEWs from non-California sources and for prior cancellation."
 4. "This payment claim, including any and all accompanying documents has been examined by me and is true, and correct and complete."
 5. "I understand that errors or omissions on my part may result in CalRecycle delaying or denying payment"
 6. "I further understand that fraud could result in revocation of the recycler's approval."
- (8) The date and place of the signing of the claim.
- (b) For each cancellation method used, an approved recycler shall submit no more than one recycling payment claim per calendar month and may only include one reporting month, as specified by Sections 18660.23, 18660.24 and 18660.25 of this Chapter, in a single recycling payment claim. An approved recycler shall prepare payment claims for different cancellation methods separately, but may submit a package containing all the claims for a reporting month.
- (c) Prior to submitting a payment claim for cancelled CEWs, an approved recycler shall:
- (1) Ship off-site all the following treatment residuals derived from the cancelled CEWs to an end-use destination authorized to receive and further treat or legally dispose of the treatment residual:
 - (A) CRT glass cullet if conducting CRT or CRT-containing CEW cancellation through crushing or shredding.
 - (B) Bare CRTs and/or CRT glass cullet if conducting CRT or CRT-containing CEW cancellation through dismantling to a bare CRT after relieving the vacuum.
 - (C) Gas plasma display glass cullet if conducting non-CRT-containing CEW cancellation through crushing or shredding.
 - (D) Bare gas plasma display panels if conducting non-CRT-containing CEW cancellation through dismantling to a bare panel.
 - (2) For each cancelled non-CRT-containing CEWs, the recycler shall record and report the manufacturer name, model number, serial number and weight prior to cancellation.
 - (3) Only those CEWs that have been processed and documented pursuant to the applicable requirements of subsections (c)(1) and (c)(2) of this section shall be claimed for payment.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.

Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

§ 18660.23. Additional Requirements for Recycling Payment Claims to Demonstrate Cancellation of CRTs or CRT-Containing CEWs through Crushing or Shredding.

- (e) An approved recycler shall calculate the payment and include the calculation in a recycling payment claim specific to canceling CRT-containing CEWs through crushing or shredding as follows:
- (1) The total weight of CRT-containing CEWs cancelled for the reporting month from which all treatment residuals specified in Section 18660.22(c)(1) of this Chapter have been shipped off-site to an end-use destination authorized to receive and further treat or legally dispose of those treatment residuals.

(2) The total payment claimed, calculated by multiplying the weight of CRT-containing CEWs specified in subsection (e)(1) of this Section by the Standard Statewide Combined Recovery and Recycling Payment Rate.

(3) If the amount in subsection (e)(1) of this Section includes CEWs from outside California, CEWs without source documentation, or previously cancelled materials, then the recycler shall reduce the payment claim to reflect these corrections by adjusting the weights.

(g) An approved recycler shall attach to the payment claim the following documentation from all shipments of CRT glass cullet made during the reporting period of a calendar month:

(1) Shipping reports to end-use destinations, including the names of the shipping recycler and the receiving end-use destination.

(2) The date of the shipment and the weight of the CRT glass cullet.

(3) Weight tickets of individual shipments of CRT glass cullet.

(4) Verification of post cancellation disposition, including:

(A) For shipments by sea, the proof of disposition to an end-use destination shall be the on-board bill of lading and an executed contract or other documentation from the intended recipient of the shipment.

(B) For other shipments, the proof of disposition to an end-use destination shall include a receipt issued by the person receiving the shipment and any applicable bill of lading.

(C) For all shipments of CRT glass cullet, information pertaining to a discussion of the ultimate disposition of the material shipped demonstrating that the disposition is not disposal to land, water or air compliant with applicable law and conformant with the approved recycler's conditions of authorization.

1. All documentation necessary to demonstrate compliant material disposition shall be included in the discussion.

2. CalRecycle may demand additional documentation as necessary from an approved recycler to determine the legality of material disposition.

(h) In addition to the documentation required in subsection (g), an approved recycler shall attach to the payment claim a description and qualification quantification of the disposition of other treatment residuals derived from cancellation of the CRT-containing CEWs, including but not limited to metals, plastics, fibers and wood.

Authority cited: Sections 40502, 42475(b), and 42475.2, Public Resources Code.

Reference: Sections 42475(a), 42476, 42477, 42478, and 42479, Public Resources Code.

§ 18660.24. Additional Requirements for Recycling Payment Claims to Demonstrate Cancellation of CRTs or CRT-Containing CEWs through Dismantling to a Bare CRT After Relieving the Vacuum.

(c) An approved recycler shall submit a recycling payment claim within 45 calendar days of the end of a calendar month in which one or more shipments of bare CRTs and/or CRT glass cullet were sent to an end use destination.

(d) The reporting month for a recycling payment claim pursuant to this Section is the month in which the shipment(s) of bare CRTs and/or CRT glass cullet were made.

(e) An approved recycler shall calculate the payment and include the calculation in a recycling payment claim specific to canceling CRT-containing CEWs through dismantling to a bare CRT as follows:

(1) The total weight of CRT-containing CEWs cancelled from which all treatment residuals specified pursuant to Section 18660.22(c)(1) of this Chapter have been shipped off-site to an end-

use destination authorized to receive and further treat or legally dispose of those treatment residuals.

(2) The total payment claimed, calculated by multiplying the weight of CRT-containing CEWs specified in subsection (e)(1) of this Section by the Standard Statewide Combined Recovery and Recycling Payment Rate.

(3) If the amount in subsection (1) of this Section includes CEWs from outside California, CEWs without source documentation, or previously cancelled materials, then the recycler shall reduce the payment claim to reflect these corrections by adjusting the weights.

(g) An approved recycler shall attach the following documentation for all shipments of bare CRTs and/or CRT glass cullet made during the reporting period of a calendar month:

(1) Shipping reports to end-use destinations, including the names of the shipping recycler and the receiving end-use destination.

(2) The date of the shipment and the weight of the bare CRTs and/or CRT glass cullet.

(3) Weight tickets of individual shipments of bare CRTs and/or CRT glass cullet.

(4) Verification of post cancellation disposition, including:

(A) For shipments by sea, the proof of disposition to an end-use destination shall be the on-board bill of lading and an executed contract or other documentation from the intended recipient of the shipment.

(B) For other shipments, the proof of disposition to an end-use destination shall include a receipt issued by the person receiving the shipment and any applicable bill of lading.

(C) For all shipments of bare CRTs and/or CRT glass cullet, information pertaining to a discussion of the ultimate disposition of the material shipped demonstrating that the disposition is not disposal to land, water or air compliant with applicable law and conformant with the approved recycler's conditions of authorization.

1. All documentation necessary to demonstrate compliant material disposition shall be included in the discussion.

2. CalRecycle may demand additional documentation as necessary from an approved recycler to determine the legality of material disposition.

(h) In addition to the documentation required in subsection (g), an approved recycler shall attach to the payment claim a description and qualification quantification of the disposition of other treatment residuals derived from cancellation of the CRT-containing CEWs, including but not limited to metals, plastics, fibers and wood.

Authority cited: Sections 40502, 42475(b), and 42475.2, Public Resources Code.

Reference: Sections 42475(a), 42476, 42477, 42478, and 42479, Public Resources Code.